

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

Order entered November 26, 2013.

(Deleted material is struck through and new material is underscored.)

Effective immediately, Supreme Court Rules 705 and 716 are amended, and effective January 1, 2014, Supreme Court Rules 706, 708, 709, and 710 are amended, as follows.

**Amended Rule 705**

**Rule 705. Admission on Motion**

Any person who, as determined by the Board of Admissions to the Bar, has been licensed to practice in the highest court of law in any United States state, territory, or the District of Columbia for no fewer than five years may be eligible for admission on motion on the following conditions:

(a) The applicant meets the educational requirements of Rule 703.

(b) The applicant meets Illinois character and fitness requirements and has been certified by the Committee on Character and Fitness.

(c) The applicant licensed to practice law for fewer than 15 years has passed the Multistate Professional Responsibility Examination in Illinois or in any jurisdiction in which it was administered.

(d) The applicant is in good disciplinary standing before the highest court of every jurisdiction in which ever admitted and is at the time of application on active status in at least one such jurisdiction.

(e) The applicant provides documentary evidence satisfactory to the Board that for at least five of the seven years immediately preceding the application, he or she was engaged in the active, continuous, and lawful practice of law.

(f) The applicant has paid the fee for admission on motion in accordance with Rule 706.

(g) For purposes of this rule, the term “practice of law” shall mean:

(1) Practice as a sole practitioner or for a law firm, professional corporation, legal services office, legal clinic, or other entity the lawful business of which consists of the practice of law or the provision of legal services;

(2) Employment in a state or local court of record in a United States state, territory, or the District of Columbia as a judge, magistrate, referee or similar official, or as a judicial law clerk;

(3) Employment in a federal court of record in a United States state, territory, or the District of Columbia as a judge, magistrate, referee or similar official, or as a judicial law clerk;

(4) Employment as a lawyer for a corporation, agency, association, trust department, or other similar entity;

(5) Practice as a lawyer for a state or local government;

(6) Practice as a lawyer for the federal government, including legal service in the armed forces of the United States;

(7) Employment as a law professor at a law school approved by the American Bar Association; or

(8) Any combination of the above;

provided in each instance, however, that such employment is available only to licensed attorneys and that the primary duty of the position is to provide legal advice, representation, and/or services.

**(h)** For purposes of this rule, the term “active and continuous” shall mean the person devoted a minimum of 80 hours per month and no fewer than 1,000 hours per year to the practice of law during 60 of the 84 months immediately preceding the application.

**(i)** Except as provided in this subsection (i) and subsection (j) that follows, for purposes of this rule, the term “lawful” shall mean the practice was performed physically without Illinois and either physically within a jurisdiction in which the applicant was licensed or physically within a jurisdiction in which a lawyer not admitted to the bar is permitted to engage in such practice. An applicant relying on practice performed in a jurisdiction in which he or she is not admitted to the bar must establish that such practice is permitted by statute, rule, court order, or by written confirmation from the admitting or disciplinary authority of the jurisdiction in which the practice occurred. Practice falling within subparagraph (g)(3) or (g)(6) above shall be considered lawful practice even if performed physically without a jurisdiction in which the applicant is admitted. Practice falling within (g)(7) above shall be considered lawful practice even if performed physically without a jurisdiction in which the applicant is admitted, provided that the professor does not appear in court or supervise student court appearances as part of a clinical course or otherwise;

**(j)** Practice performed within Illinois pursuant to a Rule 716 license may be deemed lawful and counted toward eligibility for admission on motion, provided all other requirements of Rule 705 are met.

**(k)** Practice performed without Illinois and within the issuing jurisdiction pursuant to a limited or temporary license may be counted toward eligibility for admission on motion only if the limited or temporary license authorized practice without supervision in the highest court of law in the issuing jurisdiction.

**(l)** A person who has failed an Illinois bar examination administered within the preceding five years is not eligible for admission on motion.

**(m)** Admission on motion is not a right. The burden is on the applicant to establish to the satisfaction of the Board that he or she meets each of the foregoing requirements.

Adopted April 3, 1989, effective immediately; amended October 25, 1989, effective immediately; amended June 12, 1992, effective July 1, 1992; amended December 6, 2001,

effective immediately; amended September 30, 2002, effective immediately; amended February 6, 2004, effective immediately; amended October 1, 2010, effective January 1, 2011; amended Nov. 26, 2013, effective immediately.

## **Amended Rule 706**

### **Rule 706. Filing Deadlines and Fees of Registrants and Applicants**

**(a) Character and Fitness Registration.** ~~Students attending law school who intend to take the Illinois bar examination shall file a character and fitness registration application with the Board of Admissions to the Bar in the form prescribed by the Board by no later than the first day of March following the student's commencement of law school; provided, however, that a student who commences law school after the first day of January and before the first day of March in any calendar year shall file such application no later than the first day of July following the student's commencement of law school. Timely applications shall be accompanied by a registration fee of \$100. All~~ Character and fitness registration applications filed after the foregoing deadlines with applications to take the bar examination shall be accompanied by a registration fee of \$450.

**(b) Applications to Take the Bar Examination.** The fees and deadlines for filing applications to take the February bar examination are as follows:

- (1) ~~\$400~~ \$500 for applications postmarked on or before the regular filing deadline of September 1 preceding the examination;
- (2) ~~\$600~~ \$700 for applications postmarked after September 1 but on or before the late filing deadline of November 1; and
- (3) \$1,000 for applications postmarked after November 1 but on or before the final late filing deadline of December 31.

The fees and deadlines for filing applications to take the July bar examination are as follows:

- (1) ~~\$400~~ \$500 for applications postmarked on or before the regular filing deadline of February 15 preceding the examination;
- (2) ~~\$600~~ \$700 for applications postmarked after February 15 but on or before the late filing deadline of April 1; and
- (3) \$1,000 for applications postmarked after April 1 but on or before the final late filing deadline of May 31.

**(c) Applications for Reexamination.** The fees and deadlines for filing applications for reexamination at a February bar examination are as follows:

- (1) ~~\$300~~ \$500 for applications postmarked on or before the regular reexamination filing deadline of November 1;
- (2) ~~\$650~~ \$850 for applications postmarked after November 1 but on or before the final late filing deadline of December 31.

The fees and deadlines for filing applications for reexamination at a July bar examination are as follows:

(1) ~~\$300~~ \$500 for applications postmarked on or before the regular reexamination filing deadline of May 1;

(2) ~~\$650~~ \$850 for applications postmarked after April 1 but on or before the final late filing deadline of May 31.

**(d) Late Applications.** The Board of Admissions shall not consider requests for late filing of applications after the final bar examination filing deadlines set forth in the preceding subparagraphs (b) and (c).

**(e) Applications for Admission on Motion under Rule 705.** Each applicant for admission to the bar on motion under Rule 705 shall pay a fee of \$1,250.

**(f) Application for Limited Admission as House Counsel.** Each applicant for limited admission to the bar as house counsel under Rule 716 shall pay a fee of \$1,250.

**(g) Application for Limited Admission as a Lawyer for Legal Service Programs.** Each applicant for limited admission to the bar as a lawyer for legal service programs under Rule 717 shall pay a fee of \$100.

**(h) Recertification Fee.** Each applicant for Character and Fitness recertification shall pay a fee of \$450.

**(i) Payment of Fees.** All fees are nonrefundable and shall be paid in advance by certified check, cashier's check or money order payable to the Board of Admissions to the Bar. Fees of an applicant who does not appear for an examination shall not be transferred to a succeeding examination.

**(j) Fees to be Held by Treasurer.** All fees paid to the treasurer of the Board of Admissions to the Bar shall be held by him or her subject to the order of the court.

Amended January 30, 1975, effective March 1, 1975; amended October 1, 1982, effective October 1, 1982; amended June 12, 1992, effective July 1, 1992; amended July 1, 1998, effective immediately; amended July 6, 2000, effective August 1, 2000; amended December 6, 2001, effective immediately; amended February 11, 2004, effective July 1, 2004; amended October 1, 2010, effective January 1, 2011; amended January 10, 2012, effective immediately; amended Nov. 26, 2013, effective Jan. 1, 2014.

## **Amended Rule 708**

### **Rule 708. Committee on Character and Fitness**

**(a)** At the November term in each year, the Supreme Court shall appoint a Committee on Character and Fitness in each of the judicial districts of this state, comprised of Illinois lawyers. In the First Judicial District the committee shall consist of no fewer than 30 members of the bar, and in the Second, Third, Fourth and Fifth Judicial Districts, each committee shall consist of no fewer than 15 members of the bar. Unless the Court specifies a shorter term, all members shall be appointed for staggered three-year terms and shall serve until their successors are duly appointed and qualified. No member may be appointed to more than three full consecutive terms. Vacancies for any cause shall be filled by appointment of the Court for the unexpired term. The Court shall appoint a

chairperson and a vice-chairperson for each committee. The chairperson may serve only one three-year term. The members of the Board of Admissions to the Bar shall be *ex-officio* members of the committees and are authorized to serve as members of hearing panels of any committee.

(b) Pursuant to the Rules of Procedure for the Board of Admissions to the Bar and the Committees on Character and Fitness, the eCommittee shall determine whether each ~~law student registrant and~~ applicant presently possesses good moral character and general fitness for admission to the practice of law. An ~~registrant or~~ applicant may be so recommended if the committee determines that his or her record of conduct demonstrates that he or she meets the essential eligibility requirements for the practice of law and justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. A record manifesting a failure to meet the essential eligibility requirements, including a deficiency in the honesty, trustworthiness, diligence, or reliability of an ~~registrant or~~ applicant, may constitute a basis for denial of admission.

(c) The essential eligibility requirements for the practice of law include the following: (1) the ability to learn, to recall what has been learned, to reason, and to analyze; (2) the ability to communicate clearly and logically with clients, attorneys, courts, and others; (3) the ability to exercise good judgment in conducting one's professional business; (4) the ability to conduct oneself with a high degree of honesty, integrity, and trustworthiness in all professional relationships and with respect to all legal obligations; (5) the ability to conduct oneself with respect for and in accordance with the law and the Illinois Rules of Professional Conduct; (6) the ability to avoid acts that exhibit disregard for the health, safety, and welfare of others; (7) the ability to conduct oneself diligently and reliably in fulfilling all obligations to clients, attorneys, courts, creditors, and others; (8) the ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others; (9) the ability to comply with deadlines and time constraints; and (10) the ability to conduct oneself properly and in a manner that engenders respect for the law and the profession.

(d) If required by the Committee or its Rules of Procedure, each ~~law student registrant and~~ applicant shall appear before the committee of his or her district or some member thereof and shall furnish the committee such evidence of his or her good moral character and general fitness to practice law as in the opinion of the committee would justify his or her admission to the bar.

(e) At all times prior to his or her admission to the bar of this state, each ~~law student registrant and~~ applicant is under a continuing duty to supplement and continue to report fully and completely to the Board of Admissions to the Bar and to the Committee on Character and Fitness all information required to be disclosed pursuant to any and all application documents and such further inquiries prescribed by the Board and the Committee.

(f) If the eCommittee is of the opinion that the ~~law student registrant or~~ applicant is of good moral character and general fitness to practice law, it shall so certify to the Board of Admissions to the Bar, and the Board shall transmit such certification to the Court together with any additional information or recommendation the Board deems appropriate when all other admission requirements have been met. If the eCommittee is

not of that opinion, it shall file with the Board of Admissions to the Bar a statement that it cannot so certify, together with a report of its findings and conclusions.

(g) Character and Fitness certification is valid for nine months from the date of certification. An applicant who has been so certified and who has not been admitted to practice within nine months must be recertified after filing the requisite character and fitness registration and paying the fee therefor in accordance with Rule 706.

~~(g) (h) An law student registrant or~~ applicant who has availed himself or herself of his or her full hearing rights before the Committee on Character and Fitness and who deems himself or herself aggrieved by the determination of the committee may, on notice to the committee by service upon the Director of Administration for the Board of Admissions in Springfield, petition the Supreme Court for review within 35 days after service of the Committee's decision upon the ~~law student registrant or~~ applicant, and, unless extended for good cause shown, the Committee shall have 28 days to respond. The director shall file the record of the hearing with the Supreme Court at the time that the response of the Committee is filed.

Amended effective November 15, 1971, and October 2, 1972; amended April 10, 1987, effective August 1, 1987; amended June 12, 1992, effective July 1, 1992; amended April 4, 1995, effective immediately; amended November 22, 2000, effective December 1, 2000; amended December 6, 2001, effective immediately; amended October 2, 2006, effective July 1, 2007; amended Nov. 26, 2013, effective Jan. 1, 2014.

### **Amended Rule 709**

#### **Rule 709. Power to Make Rules, Conduct Investigations, and Subpoena Witnesses**

(a) Subject to the approval of the Supreme Court, the Board of Admissions to the Bar and the Committee on Character and Fitness shall have power to make, adopt, and alter rules not inconsistent with this rule, for the proper performance of their respective functions.

(b) The Board of Admissions to the Bar and the Committee on Character and Fitness for each judicial district are hereby respectively constituted bodies of commissioners of this court, who are hereby empowered and charged to receive and entertain complaints, to make inquiries and investigations, and to take proof from time to time as may be necessary, concerning applications for admission to the bar, examinations given by or under the supervision of the Board of Admissions to the Bar, and the good moral character and general fitness to practice law of ~~law student registrants and~~ applicants for admission. They may call to their assistance in such inquiries other members of the bar and make all necessary rules and regulations concerning the conduct of such inquiries and investigations, and take the testimony of witnesses. The hearings before the commissioners shall be private unless any ~~law student registrant or~~ applicant concerned shall request that they be public. Upon application by the commissioners, the clerk of the Supreme Court shall issue subpoenas *ad testificandum*, subpoenas *duces tecum*, or *dedimus potestatem* to take depositions. Witnesses shall be sworn by a commissioner or

any person authorized by law to administer oaths. All testimony shall be taken under oath, transcribed, and transmitted to the court, if requested. The commissioners shall report to the Supreme Court the failure or refusal of any person to attend and testify in response to a subpoena.

Amended effective November 15, 1971, and October 2, 1972; amended May 28, 1982, effective July 1, 1982; amended June 12, 1992, effective July 1, 1992; amended December 6, 2001, effective immediately; amended Nov. 26, 2013, effective Jan. 1, 2014.

### **Amended Rule 710**

#### **Rule 710. Immunity**

Any person who communicates information concerning ~~a law student registrant or an~~ applicant for admission to the Illinois bar to any member of the Illinois Board of Admissions to the Bar or to any member of the Character and Fitness Committees or to the Director of Administration, administrators, staff, investigators, agents, or attorneys of the Board or such Committees shall be immune from all civil liability which, except for this rule, might result from such communication. The grant of immunity provided by this rule shall apply only to those communications made by such persons to any member of the Illinois Board of Admissions to the Bar or to any member of the Character and Fitness Committees or to the Director of Administration, administrators, staff, investigators, agents, or attorneys of the Board or such Committees.

Adopted April 4, 1995, effective immediately; amended Nov. 26, 2013, effective Jan. 1, 2014.

### **Amended Rule 716**

#### **Rule 716. Limited Admission ~~Of~~ House Counsel**

A person who, as determined by the Board of Admissions to the Bar, has been licensed to practice in the highest court of law in any United States state, territory, or the District of Columbia may receive a limited license to practice law in this state when the lawyer is employed in Illinois as house counsel exclusively for a single corporation, partnership, association or other legal entity (as well as any parent, subsidiary or affiliate thereof), the lawful business of which consists of activities other than the practice of law or the provision of legal services upon the following conditions:

(a) The applicant meets the educational requirements of Rule 703;

(b) The applicant meets Illinois character and fitness requirements and has been certified by the Committee on Character and Fitness;

(c) The applicant licensed to practice law for fewer than 15 years has passed the Multistate Professional Responsibility Exam in Illinois or in any jurisdiction in which it was administered;

(d) The applicant is in good disciplinary standing before the highest court of every jurisdiction in which ever admitted and is at the time of application on active status in at least one such jurisdiction;

(e) The applicant has paid the fee for limited admission of house counsel under Rule 706.

(f) Application requirements. To apply for the limited license, the applicant must file with the Board of Admissions to the Bar the following:

(1) A completed application for the limited license in the form prescribed by the Board;

(2) A duly authorized and executed certification by applicant's employer that:

(A) The employer is not engaged in the practice of law or the rendering of legal services, whether for a fee or otherwise;

(B) The employer is duly qualified to do business under the laws of its organization and the laws of Illinois;

(C) The applicant works exclusively as an employee of said employer for the purpose of providing legal services to the employer at the date of his or her application for licensure; and

(D) The employer will promptly notify the Clerk of the Supreme Court of the termination of the applicant's employment.

(3) Such other affidavits, proofs and documents as may be prescribed by the Board.

(g) Authority and Limitations. A lawyer licensed and employed as provided by this Rule has the authority to act on behalf of his or her employer for all purposes as if licensed in Illinois. ~~The lawyer may not act as counsel for the employer until the application is accepted and approved by the Court.~~ A lawyer licensed under this rule shall not offer legal services or advice to the public or in any manner hold himself or herself out to be engaged or authorized to engage in the practice of law, except such lawyer may provide voluntary *pro bono* public services as defined in Rule 756(f).

(h) Duration and Termination of License. The license and authorization to perform legal services under this rule shall terminate upon the earliest of the following events:

(1) The lawyer is admitted to the general practice of law under any other rule of this Court.

(2) The lawyer ceases to be employed as house counsel for the employer listed on his or her initial application for licensure under this rule; provided, however, that if such lawyer, within 120 days of ceasing to be so employed, becomes employed by another employer and such employment meets all requirements of this Rule, his or her license shall remain in effect, if within said 120-day period there is filed with the Clerk of the Supreme Court: (A) written notification by the lawyer stating the date on which the prior employment terminated, identification of the new employer and the date on which the new employment commenced; (B) certification by the former employer that the termination of the employment was not based upon the lawyers character and fitness or failure to comply with this rule; and (C) the certification



specified in subparagraph (f)(2) of this rule duly executed by the new employer. If the employment of the lawyer shall cease with no subsequent employment within 120 days thereafter, the lawyer shall promptly notify the Clerk of the Supreme Court in writing of the date of termination of the employment, and shall not be authorized to represent any single corporation, partnership, association or other legal entity (or any parent, subsidiary or affiliate thereof).

(3) The lawyer is suspended or disbarred from practice in any jurisdiction or any court or agency before which the lawyer is admitted.

(4) The lawyer fails to maintain active status in at least one jurisdiction.

**(i)** Annual Registration and MCLE. Beginning with the year in which a limited license to practice law under this rule is granted and continuing for each subsequent year in which house counsel continues to practice law in Illinois under the limited license, house counsel must register with the Attorney Registration and Disciplinary Commission and pay the fee for active lawyers set forth in Rule 756 and fully comply with all MCLE requirements for active lawyers set forth in Rule 790 *et seq.*

**(j)** Discipline. A lawyer licensed under this rule shall be subject to the jurisdiction of the Court for disciplinary purposes to the same extent as all other lawyers licensed to practice law in this state.

**(k)** Credit toward Admission on Motion. The period of time a lawyer practices law while licensed under this rule may be counted toward eligibility for admission on motion, provided all other requirements of Rule 705 are met.

**(l)** Newly Employed House Counsel. A lawyer who is newly employed as house counsel in Illinois shall not be deemed to have engaged in the unauthorized practice of law in Illinois prior to licensure under this rule if application for the license is made within 90 days of the commencement of such employment.

Adopted February 11, 2004, effective July 1, 2004; amended March 26, 2008, effective July 1, 2008; amended October 1, 2010, effective January 1, 2011; amended December 9, 2011, effective July 1, 2012; amended Apr. 8, 2013, effective immediately; amended Nov. 26, 2013, effective immediately.